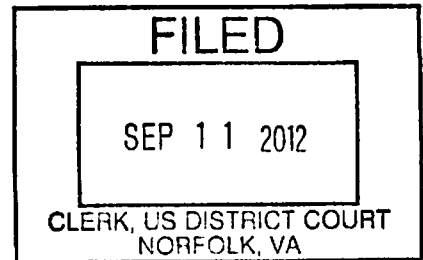


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



BUILDERS MUTUAL
INSURANCE COMPANY,

Plaintiff,

v.

ACTION NO. 2:12cv275

CARMER WALLACE,
AND
LINDA FUSSELL GILILLAND,

Defendant.

ORDER


This matter comes before the court on plaintiff's Motion for Default Judgment Against Defendant Carmer Wallace (ECF No. 11), filed on July 20, 2012. The matter was referred to a United States Magistrate Judge by Order of August 8, 2012, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge's Report and Recommendation was filed on August 20, 2012. The magistrate judge recommended granting plaintiff's Motion for Default Judgment against defendant, Carmer Wallace.

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed August 20, 2012. Accordingly, the plaintiff's Motion for Default Judgment against Carmer Wallace is **GRANTED**, and that as to defendant, Carmer Wallace, plaintiff has no duty to defend defendant, Carmer Wallace, with respect to defendant's, Linda Fussell Gililland, state claims. Accordingly, the parties are **DIRECTED** to show cause within fourteen (14) days of the date of this Order why this case should not be administratively closed on this court's docket, to be reopened as appropriate pending the outcome of the underlying state court case giving rise to this federal action.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/
Rebecca Beach Smith
Chief
United States District Judge 

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

September 11, 2012